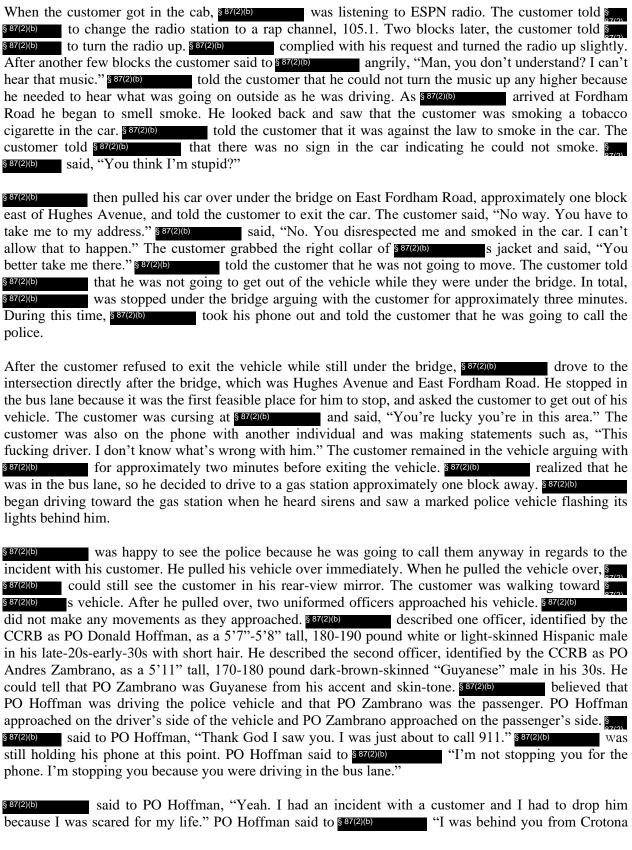
CCRB INVESTIGATIVE RECOMMENDATION

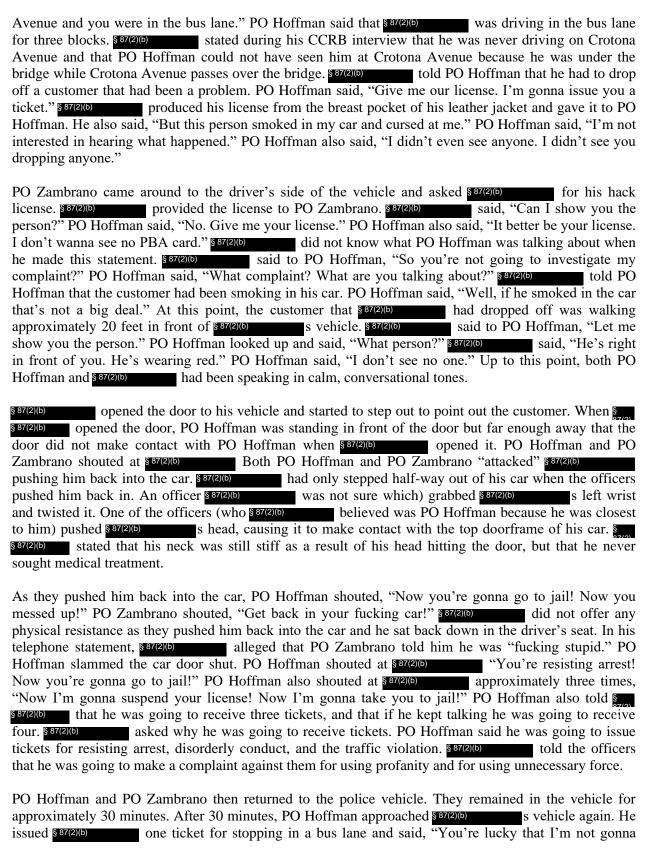
Investigator:		Team:	CCRB Case #:	▼ Force	☑ Discourt.	U.S.
Dov Levavi		Team # 4	201403203	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Tuesday, 03/25/2014 6:30 PM		East Fordham Road and Arthur Avenue		48	9/25/2015	9/25/2015
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CCR	RB
Thu, 03/27/2014 10:30 AM		IAB	Phone	Thu, 04/03	3/2014 3:06 PM	
Complainant/Victim	Type	Home Address				
Subject Officer(s)	Shield	TaxID	Command			
1. POM Donald Hoffman	26053	945824	048 PCT			
2. POM Andres Zambrano	13633	952365	048 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. SGT Nathan Yakubov	04335	940874	048 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	nmendation
A.POM Donald Hoffman	Force: PO Donald Hoffman used physical force against [887(2)]					
B.POM Donald Hoffman	Abuse: PO Donald Hoffman threatened to arrest (a)					
C.POM Andres Zambrano	Discourtesy: PO Andres Zambrano spoke discourteously to \$87(2)(b)					
§ 87(4-b) § 87(2)(g)						

Case Summary

	March 27, 2014, \$87(2)(b) called the IAB command center to file a complaint (log #14-11127) twas received by the CCRB on April 3, 2014 (encl. b1-2). At approximately 6:30 p.m. on March 25,
	4, \$87(2)(b) was issued summonses in the vicinity of East Fordham Road and Arthur Avenue in Bronx. The following allegations resulted from \$87(2)(b) s interactions with officers:
•	Allegation A – Force: PO Donald Hoffman used physical force against \$87(2)(5) 8 87(2)(9)
•	Allegation B – Abuse of Authority: PO Donald Hoffman threatened to arrest \$87(2)(6) Allegation C – Discourtesy: PO Andres Zambrano spoke discourteously to \$87(2)(6) \$87(2)(9)
•	§ 87(4-b) § 87(2)(9)
	lowing Inv. Galen Baynes' departure from the agency, this case was reassigned to ASI Dov Levavi on y 1, 2014.
§ 87(2	rejected mediation. Results of Investigation
<u>Civ</u>	rilian Statement
<u>Coi</u> •	mplainant/Victim: \$87(2)(b) §87(2)(b) is a 6'1", 280-pound, \$87(2)(b) -old white male with black hair and green eyes. §87(2)(b)
tele Apr \$ 87(2 200 picl Eas Me cus	phone statement to the CCRB on April 11, 2014 (encl. b7-8) and was interviewed at the CCRB on ril 22, 2014 (encl. b9-15). Ser(2)(g) On March 25, 2014,

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search your car." said, "Go ahead, search the car. There's nothing I'm hiding in the car." PO Hoffman did not search solved is car. solved is car. solved in the police vehicle, PO Hoffman asked to see the docket listing solved is pick-ups and drop-offs for the day. solved is docket is on a Tablet. He took out the Tablet and showed PO Hoffman where he had picked up the customer and where he had intended to drop the customer off. PO Hoffman said, "How come you didn't do the drop-off?" solved is replied that he only logs the drop-off once he is paid, and that he did not get paid and had told the customer to get out of his car. solved is stated that his tone of voice was calm and respectful throughout the incident and that he did not do or say anything to the officers to express any aggression towards them. He stated that he felt humiliated by the officers during the incident and that he was upset they would not take his complaint about the customer.

Immediately after the incident, at approximately 7:00 p.m., solved went to the 48th Precinct stationhouse in order to file a complaint about PO Hoffman and PO Zambrano. He knew the officers were from the 48th Precinct because he read it on the ticket.

from the 48th Precinct because he read it on the ticket. Stated that he had previously provided the tax identification number of the officer listed on his ticket to a CCRB investigator, but did not have a copy of the ticket at his in-person interview. At the stationhouse, Stated that he had previously spoke with the desk officer, PO3. He described PO3 as an approximately 5'9" tall, 200-pound white male in uniform in his early-30s. Stated that he wanted to file a complaint about two officers. PO3 told Stated to wait and left, then returned after five minutes and said, "You can't file a complaint here. You have to call this number." PO3 wrote a number on a sheet of paper and gave it to Stated that." There were approximately four other officers present when Stated and said, "Good luck with that." There were approximately four other officers present when Stated that they were all white or light-skinned Hispanic males. Stated that they were all with the CCRB.

When called on September 17, 2014 for additional details about the incident in the stationhouse, (encl. b16) stated that he did not have a problem with PO3 and although he felt that PO3 was trying to cover up for PO Hoffman and PO Zambrano, he did not want the incident at the stationhouse investigated.

NYPD Statements:

Subject Officer: PO DONALD HOFFMAN

- PO Donald Hoffman is a 5'4", 145-pound, [887(2)(b)] -old, white male with brown hair and brown eyes.
- On March 25, 2014, PO Hoffman of the 48^{th} Precinct worked between the hours of 3 p.m. and 11:35 p.m. He was assigned as the traffic officer in a marked vehicle (RMP #4482) and was dressed in uniform. He was partnered with PO Zambrano of the same command.

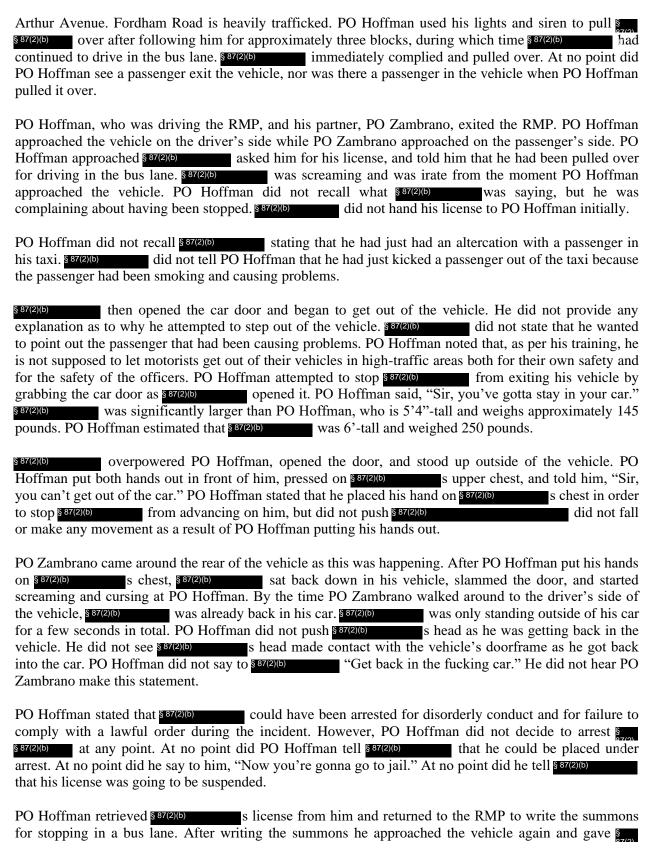
Memo Book:

6:32 p.m., summons 887(2)(b) — bus lane, parked northeast in the vicinity of Fordham and Arthur. Saw car in bus lane. Followed two more blocks. 887(2)(b) — class E, ID 887(2)(b) — (NY). Male, 887(2)(b) — 2007 blue Toyota OMT, Plate 887(2)(b) — No passengers. License valid. (encl. c1-4)

CCRB Statement:

PO Hoffman was interviewed at the CCRB on May 14, 2014 (encl. c5-7). At approximately 6:30 p.m. on March 25, 2014, PO Hoffman was driving his marked RMP west-bound on Fordham Road in the Bronx when he observed a taxi driving west-bound in the bus lane near the intersection of Fordham Road and

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the summons. When PO Hoffman handed him the summons, \$87(2)(6) said, "If you give me a summons, I'm gonna complain."
At no point during the incident did PO Hoffman ask to search sear
 Subject Officer: PO ANDRES ZAMBRANO PO Andres Zambrano is a 5'10", 165-pound, sar(2)(b) -old Hispanic male with black hair and black eyes. On March 25, 2014, PO Zambrano of the 48th Precinct worked between the hours of 12 p.m. and 10:35 p.m. He was assigned to traffic duty in a marked vehicle (RMP #4482) and was dressed in uniform. He was working with PO David Hoffman of the same command.
Memo Book: PO Zambrano did not have any memo book entries relating to this incident. (encl. c9-11)
CCRB Statement: PO Zambrano was interviewed at the CCRB on May 28, 2014 (encl. c12-14). At approximately 6:30 p.m on March 25, 2014, PO Zambrano and his partner, PO Hoffman, were riding in a marked police vehicle on East Fordham Road in the Bronx. PO Zambrano was the passenger and PO Hoffman was the driver PO Hoffman and PO Zambrano observed a vehicle driving west-bound in the bus lane on East Fordham Road.
After observing the vehicle travel in the bus lane for approximately one minute, the officers used the RMP's lights and sirens to pull the vehicle over. The vehicle pulled over immediately. Both PC Zambrano and PO Hoffman exited the RMP. PO Hoffman approached the driver's side while PC Zambrano approached the passenger's side of the vehicle.
was the only individual inside of the vehicle. At no point did PO Zambrano observe a passenger in the vehicle. At no point after he first observed the vehicle traveling in the bus lane did PO Zambrano see anyone exit the vehicle. PO Zambrano did not recall \$87(2)(b) telling the officers that he had recently had an incident with a passenger in his vehicle. \$87(2)(b) did not tell the officers that he had recently kicked a passenger out of his vehicle, and at no point did \$87(2)(b) attempt to point out another individual that he claimed had been riding in his vehicle.
PO Zambrano heard PO Hoffman request \$87(2)(b) said in response to this request, but he did not recall safe(2)(b) immediately providing PO Hoffman with his license and registration. Approximately two minutes after the officers first approached the vehicle, PO Zambrano observed safe(2)(b) attempt to exit the vehicle. PO Hoffman was standing next to the driver's door at this point. PO Zambrano was still on the passenger's side of the vehicle, but began walking around the rear of the vehicle towards the driver's side when he saw \$87(2)(b) exiting the vehicle.
PO Zambrano saw the driver's door open and saw \$87(2)(b) begin to exit the vehicle. He there observed PO Hoffman place his hands in front of him with his elbows locked and his palms flat in order to stop \$87(2)(b) from exiting the vehicle. PO Zambrano could not recall where on \$37(2)(b)

s body PO Hoffman placed his hands. PO Zambrano noted that East Fordham Road is busy and that he was concerned that the \$87(2)(b) might attempt to push PO Hoffman towards traffic.
PO Zambrano heard PO Hoffman say to \$\frac{8}{87(2)(b)}\$ "Get back in the car. Get back in the car." PO Hoffman issued this command at least two times. PO Zambrano did not hear PO Hoffman say, "Get back in the fucking car," nor did PO Zambrano make this statement. When PO Zambrano arrived at the driver's side of the vehicle, \$\frac{8}{87(2)(b)}\$ was already seated in the driver's seat of the vehicle again. PO Zambrano did not recall ever seeing \$\frac{8}{87(2)(b)}\$ exit the vehicle completely. At no point did PO Zambrano see PO Hoffman push \$\frac{8}{87(2)(b)}\$ s head, nor did PO Zambrano do so. He did not see \$\frac{8}{87(2)(b)}\$ s head make contact with the door frame as he was getting back into the vehicle. He did not see PO Hoffman push \$\frac{8}{87(2)(b)}\$ s head into the door frame, nor did PO Zambrano do so. PO Zambrano did not make any physical contact with \$\frac{8}{87(2)(b)}\$ during the incident, nor did he speak with \$\frac{8}{87(2)(b)}\$
PO Zambrano did not determine that (Sor(2)(b)) could be placed under arrest at any point during the incident. PO Hoffman did not tell PO Zambrano that he had made a determination that (Sor(2)(b)) could be placed under arrest during the incident. At no point did PO Zambrano hear PO Hoffman say to (Now you're gonna go to jail," nor did PO Zambrano make this statement. At no point did PO Zambrano hear PO Hoffman request to search (Sor(2)(b)) so vehicle, nor was there any reason for the officers to search the vehicle.
PO Zambrano did not interact with \$87(2)(b) again at any point after the vehicle stop. He did not see \$87(2)(b) at the 48 th Precinct stationhouse at any point and did not hear \$87(2)(b) make a request to file a complaint against officers. PO Zambrano was never made aware that \$87(2)(b) came to the 48 th Precinct stationhouse in order to file a complaint.

Witness Officer: SGT. NATHAN YAKUBOV

- Sgt. Yakubov is a 6'0" tall, 200-pound white male with black hair and brown eyes. He was 887(2)(5) old at the time of the incident.
- On March 25, 2014, Sgt. Yakubov was in uniform and worked from 2:50 p.m. to 11:47 p.m. assigned as the desk officer in the 48th Precinct stationhouse.

Memo Book

Sgt. Yakubov had no entries in his memo book regarding this incident (encl. c16-17). As the desk officer, Sgt. Yakubov recorded his activities in the command log.

CCRB Statement

Sgt. Yakubov was interviewed at the CCRB on September 15, 2014 (encl. c18-19). Sgt. Yakubov had no recollection of the incident involving for after being given a description of the incident. He did not recall a civilian coming into the stationhouse to file a complaint against PO Donald Hoffman and PO Andres Zambrano. Sgt. Yakubov did not recognize for 25, 2014.

Sgt. Yakubov did not recall who else was working at the desk at the time of the incident. He did not recall any particular incident occurring during his tour at the desk on March 25, 2014. Sgt. Yakubov stated that when someone comes to the stationhouse to file a complaint against officers, he takes the complaint if the civilian wishes. If the civilian does not want to file the complaint there, Sgt. Yakubov will give the relevant paperwork to the civilian, give them the number to CCRB and IAB and make a command log

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entry. Sgt. Yakubov did not recall telling any civilian on March 25, 2014 that he could not take a complaint against officers.

Sgt. Yakubov was shown the command log entries between 6:30 p.m. and 7:00 p.m. on March 25, 2014. He confirmed that his handwriting is on the command log at those times.

NYPD Document(s)

Command Log

The 48th Precinct command log from the evening of March 25, 2014 (encl. d11-19) contains no entries regarding a civilian being present at the stationhouse to file a complaint.

Summons/Arrest for Incident and Disposition

● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

• \$87(2)(b) has not filed a Notice of Claim with the City of New York as of August 29, 2014 with regard to the incident. (encl. e1)

Civilian(s) Criminal History

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian(s) CCRB History

This is the first CCRB complaint filed by \$87(2)(b) (encl. a3)

Subject Officer(s) CCRB History

- PO Hoffman has been a member of the service for six years and there are no substantiated CCRB allegations against him. (encl. a1)
- PO Zambrano has been a member of the service for two years and there are no substantiated CCRB allegations against him. (encl. a2)

Conclusion

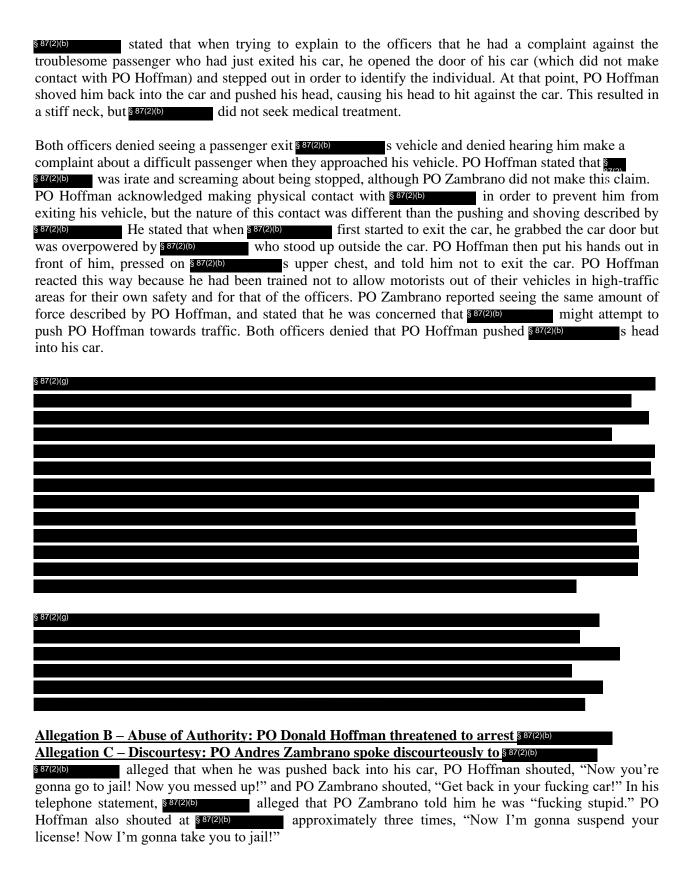
Identification of Subject Officer(s)

When speaking generally about the force used against him, \$37(2)(b) stated that both officers were pushing and shoving him into the vehicle. However, in his statements to IAB and the CCRB, when asked specifically who did what to him, \$37(2)(b) clarified that PO Hoffman grabbed and pushed him, causing his head to hit the car. \$37(2)(b)

Investigative Findings and Recommendations

Allegation A – Force: PO Donald Hoffman used physical force against §87(2)(b)

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PO Hoffman testified that \$\frac{8}{57(2)(b)}\$ to comply with a lawful order during that he could be placed under at that his license was going to be with arrest. PO Zambi stated that \$\frac{8}{57(2)(b)}\$ had alreassist PO Hoffman. PO Hoffman	ring the incident. Howeverest, saying, "Now you suspended. PO Zamrano denied telling §870 eady returned to the dri	ver, he denied telling \$87(2)(b) 1're gonna go to jail," and 1brano did not hear PO H 2)(b) "Get back in ver's seat by the time he ca	at any point telling \$37(2)(b) In the fucking car," and the around the car to
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